IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 1970 OF 2005

IN

SUMMONS FOR JUDGMENT NO. 906 OF 2003

IN

SUMMARY SUIT NO. 2445 OF 2003

M/s. P.G. Enterprises .....**Plffs.**
vs.
M/s. Behari J. Asrani .....**Defnds.**

Mr. S.V Rajeshwar i/b. M/s. Lega Apex for the plaintiffs.

Mr. Shailesh Shah i/b. J.K. Rahul for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 17TH AUGUST, 2005.

P.C. :.

1. By consent of the parties delay condoned. Motion is made absolute in terms of prayer clause (b).

2. By consent of the parties Summons for Judgment

No. 906 2003 is placed on board forthwith. Parties are heard. The only defence raised in the present suit is that at the time of putting the signature on the confirmation Ex.B to the plaint, the defendants were not aware of the actual amount due and payable by the defendant to the plaintiff. The said confirmation is dated 22.6.2000. It is an admitted position that till date no such letter is addressed to the plaintiff stating that the confirmation has been wrongfully obtained and that the amount actually confirmed is not due and payable. In view thereof I find that the defence in the present case is bogus. In view thereof Summons for Judgment No. 906 of 2003 is made absolute. Suit is decreed accordingly. No order as to costs.

sd/-

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